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Attorneys for Plaintiff Nevada Apparel Corp.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NEVADA APPAREL CORP.,

Plaintiff,

v.

ARCADIA GROUP BRANDS LIMITED,

Defendant.

Civil Action No.: 1:06-cv-03986-DLC

~~PROPOSED~~ ORDER

Upon the Complaint filed by Plaintiff Nevada Apparel Corp. (hereinafter referred to as "Apparel") and the Declarations of Shlomi Asher and Chung Yu, the Supplemental Declarations of Shlomi Asher and Chung Yu, the Declaration of Art C. Cody, and the accompanying Memorandum of Law, and all other papers and exhibits, *and the conference with the parties on June 23,* and it appearing that immediate and irreparable injury will result unless the temporary restraint and preliminary injunctive relief requested herein is granted, it is for good cause shown:

ORDERED that, Defendant show cause before this Court on the 21st day of August, 2006, at 9³⁰ o'clock a.m. of that day, or as soon thereafter as counsel may be heard, in Courtroom 11B, United States District Court for the Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York 10017, why an Order should not be

entered granting Plaintiff a preliminary injunction pursuant to Rule 65 Fed. R. Civ. P. during the pendency of this proceeding enjoining and restraining Defendant, its officers, agents, servants, employees and attorneys and all other persons or related companies in active concert or in participation with it, from:

A. Importing, advertising, promoting, distributing, offering or selling any products or services under the mark TOP SHOP, or any confusingly similar mark, in U.S. commerce;

~~B. Seeking publicity for any goods or services offered under the mark TOP SHOP, or any confusingly similar mark, in any publications and which state ^{dlc} or imply that Defendant may or will or have offered goods or services in or to customers or consumers in the United States; and~~ dlc

^{dlc} ~~B. Maintaining or using any Internet web sites with addresses consisting of or comprising the mark TOP SHOP, or any confusingly similar mark, which allow ^{orders to be placed by} access from consumers or retailers or other customers located in the United States.~~

dlc
The website as it exists as of June 23, 2006 may continue to function.

pursuant to the schedule which shall be set forth in a separate order,

ORDERED that pending a hearing in determination of the above motion for a preliminary injunction, Defendant, its officers, agents, servants, employees and attorneys and those persons and related companies in active concert or participation with it, is hereby temporarily restrained and enjoined from doing any of the acts set forth in paragraphs A through ~~B~~ above; and it is further

ORDERED that Plaintiff shall post a bond in a form approved by the Clerk of the Court, or by cash or law office or certified check, in the sum of \$ ^{200,000} ~~200,000~~ as security for the payment

of such costs and damages as may be incurred or suffered by any party who is subsequently found to be wrongfully enjoined or restrained hereby, such bond to be posted at or prior to the hearing on ^{June 30, 2006;} ~~the hearing on~~

~~Plaintiff's motion for a preliminary injunction;~~ and it is further

ORDERED that personal service of this Temporary Restraining Order, together with copies of the papers in support thereof, may be made on Defendant contemporaneously with the Temporary Restraining Order referenced herein and that such service be deemed sufficient service; ~~and it is further~~ *dlc*

ORDERED that Defendant's answering papers, if any, shall be filed with this Court, and delivered to the offices of Plaintiffs' attorneys, Ostrolenk, Faber, Gerb & Soffen, LLP, 1180 Avenue of the Americas, New York, New York 10036 so as to be received on or before _____ at _____ o'clock _____. Any reply shall be filed and served by Plaintiff on or before _____ o'clock p.m. on _____, 2006; and *dlc*

ORDERED that Defendant is hereby put on notice that failure to attend the show cause hearing scheduled herein shall result in the immediate issuance of the preliminary injunction, which shall be deemed to take effect immediately upon the expiration or dissolution of the Temporary Restraining Order granted herein, and shall extend during the pendency of this Action the same injunctive relief previously granted by the Temporary Restraining Order. Defendant is hereby given further notice that they shall be deemed to have actual notice of the issuance and terms of the above-referenced Temporary Restraining Order.

SO ORDERED:

Issued: June 23, 2006
at 5:05 o'clock p.m.

Denise L. Cote

Honorable Denise L. Cote
United States District Judge